

AMENDED IN SENATE JUNE 19, 2012

AMENDED IN SENATE JUNE 21, 2011

AMENDED IN ASSEMBLY MARCH 30, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 939

Introduced by Assembly Member V. Manuel Pérez

February 18, 2011

An act to repeal and add Article 2 (commencing with Section 2940) of Chapter 13 of Division 3 of the Fish and Game Code, relating to the Salton Sea.

LEGISLATIVE COUNSEL'S DIGEST

AB 939, as amended, V. Manuel Pérez. Salton Sea restoration.

(1) Existing law establishes the Salton Sea Restoration Council as a state agency in the Natural Resources Agency to oversee the restoration of the Salton Sea.

This bill would eliminate the council, and ~~assign duties relating to the restoration of the Salton Sea to,~~ *instead, require* the Salton Sea Authority, ~~a joint powers authority as defined,~~ *to lead Salton Sea restoration efforts, including the development of a restoration plan in coordination with the Natural Resources Agency, and supervision of the activities of a technical advisory group formed pursuant to the bill.* By imposing duties on a local joint powers authority, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 2 (commencing with Section 2940) of
2 Chapter 13 of Division 3 of the Fish and Game Code is repealed.

3 SEC. 2. Article 2 (commencing with Section 2940) is added
4 to Chapter 13 of Division 3 of the Fish and Game Code, to read:

5
6 Article 2. Salton Sea Restoration

7
8 2940. The Legislature finds and declares all of the following:

9 (a) The Salton Sea is California's largest inland water body with
10 beneficial uses that include fisheries and wildlife habitat and
11 preservation of endangered species, and is a repository for
12 agricultural drainage.

13 (b) The Salton Sea ecosystem is a critical link on the
14 international Pacific Flyway and supports over 400 species of
15 birds.

16 (c) The Salton Sea is threatened by increasing salinity and
17 reduced inflows. These changes increasingly threaten *the*
18 unparalleled wildlife resources at the sea, as well as air quality in
19 the region.

20 (d) In cooperation with others, the Salton Sea Authority can
21 help protect wildlife habitats and endangered species, improve
22 water and air quality, and enhance recreational opportunities in
23 the region.

24 (e) In restoring the Salton Sea, it is the intent of the Legislature
25 to do all of the following:

26 (1) Permanently protect fish and wildlife that are dependent on
27 the Salton Sea ecosystem.

28 (2) Restore the long-term stable aquatic and shoreline habitat
29 for fish and wildlife that depend on the Salton Sea.

30 (3) ~~Eliminate~~ *Mitigate* air quality impacts from restoration
31 projects ~~using the best available technology, as determined by the~~

~~South Coast Air Quality Management District and the Imperial County Air Pollution Control District.~~

(4) Protect water quality.

(5) Maintain the Salton Sea as a vital link along the Pacific Flyway.

(6) Preserve local tribal heritage and cultural values associated with the Salton Sea.

(7) Minimize noxious odors and other water and air quality problems.

(8) Coordinate with state and federal agencies that are responsible for air quality, endangered species, and other environmental mitigation implementation requirements of the Quantification Settlement Agreement.

(9) Enhance economic development opportunities that will provide sustainable financial improvements benefiting the local environment and the economic quality of life for communities around the Salton Sea.

2941. Unless the context requires otherwise, the definitions set forth in this section govern the construction of this article.

(a) “Agency” means the Natural Resources Agency.

(b) “Habitat mosaics” means two or more proximate habitat types, such as saltwater shoreline abutting riverine deltas and irrigated farmland.

(c) “Quantification Settlement Agreement” has the same meaning as defined in subdivision (a) of Section 1 of Chapter 617 of the Statutes of 2002.

~~(e)~~

(d) “Salton Sea Authority” or “authority” means the joint powers authority comprised of the County of Imperial, the County of Riverside, the Imperial Irrigation District, the Coachella Valley Water District, and the Torres Martinez Desert Cahuilla Indian Tribe.

~~(d)~~

(e) “Secretary” means the Secretary of the Natural Resources Agency.

(f) “Technical advisory group” means the technical advisory group formed pursuant to subdivision (b) of Section 2942.

2942. (a) The Salton Sea Authority shall lead the Salton Sea restoration efforts *and supervise the activities of the technical*

1 *advisory group*. Restoration efforts pursuant to this article shall
2 include all of the following:

3 (1) Early start *species conservation* habitat demonstration
4 projects.

5 (2) Biological investigations relating to the restoration of the
6 Salton Sea.

7 (3) Investigations of water quality, sedimentation, and inflows
8 relating to the restoration of the Salton Sea.

9 (4) Air quality investigations relating to the restoration of the
10 Salton Sea.

11 (5) Geotechnical investigations relating to the restoration of the
12 Salton Sea.

13 (6) Investigations of access and utility agreements relating to
14 the restoration of the Salton Sea.

15 (7) *Analysis of feasible funding sources for restoration program*
16 *components and activities.*

17 (8) *Analysis of economic development opportunities, including,*
18 *but not limited to, renewable energy, biofuels, and mineral*
19 *development.*

20 (b) (1) ~~The Salton Sea Authority~~ *authority, in coordination*
21 *with the agency,* shall develop a restoration plan to address the
22 current and future conditions of the Salton Sea. ~~In~~ *The authority*
23 *shall form a technical advisory group, operating under the auspices*
24 *of the authority, which shall be comprised of representatives of*
25 *authority member agencies, the department, the Department of*
26 *Water Resources, the State Energy Resources Conservation and*
27 *Development Commission, the State Air Resources Board, the*
28 *United States Geological Survey Salton Sea Science Office,*
29 *environmental groups, and local stakeholders. The technical*
30 *advisory group shall provide technical guidance to the board of*
31 *the authority and the agency in evaluating, developing, and refining*
32 *Salton Sea restoration plans.*

33 (2) *In developing the restoration plan pursuant to this section,*
34 ~~the Salton Sea Authority~~ *authority, in coordination with the agency,*
35 *shall consider the impacts of the restoration plan on air quality,*
36 *fish and wildlife habitat, water quality, and the technical and*
37 *financial feasibility of the restoration plan and shall coordinate*
38 *with other agencies that remain responsible for air quality,*
39 *endangered species, and other environmental mitigation*

1 *requirements for implementation of the Quantification Settlement*
2 *Agreement.*

3 ~~(2)~~

4 (3) (A) For the purpose of developing a restoration plan
5 pursuant to this section, the ~~Salton Sea Authority~~ *authority* shall
6 evaluate the *existing* Salton Sea restoration plans, including, but
7 not limited to, the alternatives described in Chapter 3 of Volume
8 I of the Salton Sea Restoration Program Draft Programmatic
9 Environmental Impact Report, dated October 2006, and the
10 program components of those alternatives.

11 (B) *For the purpose of developing a restoration plan pursuant*
12 *to this section, the technical advisory group shall evaluate ongoing*
13 *and planned mitigation activities connected with the*
14 *implementation of the Quantification Settlement Agreement.*

15 (C) *The authority and the agency's evaluation and development*
16 *of a restoration plan pursuant to this section shall not delay the*
17 *planning and implementation of ongoing and planned mitigation*
18 *projects, including, but not limited to, the Salton Sea Species*
19 *Conservation Habitat Project or other mitigation measures*
20 *pursuant to existing state and federal programs and agreements.*

21 ~~(3)~~

22 (4) (A) The ~~Salton Sea Authority~~ *authority* shall report to the
23 Governor and the Legislature by June 30, 2014, with a
24 recommended Salton Sea restoration plan.

25 (B) A report required to be submitted pursuant to this paragraph
26 shall be submitted in compliance with Section 9795 of the
27 Government Code.

28 (c) In conducting its duties pursuant to this section, the ~~Salton~~
29 ~~Sea Authority~~ *authority* shall do both of the following:

30 (1) *Act in a manner* consistent with the purposes of the Salton
31 Sea Restoration Fund specified in Section 2932.

32 (2) *Work collaboratively with the agency, the Department of*
33 *Water Resources, and interested parties.*

34 2943. (a) The Salton Sea Authority shall provide ongoing,
35 publicly derived input to the secretary relating to ~~the Salton Sea~~
36 ~~Authority's~~ *its* responsibilities under this article, including habitat
37 objectives and actions, types and levels of public access, and
38 integration of air quality management and habitat restoration.

1 (b) The ~~Salton Sea Authority~~ *authority* shall assist the secretary
2 to gain a broader understanding of public and interest group
3 perspectives.

4 (c) The ~~Salton Sea Authority~~ *authority* shall provide focused
5 review and discussion, and shall seek to achieve consensus on
6 significant matters, including the following:

7 (1) Discussion and general agreement on design opportunities
8 and constraints, and integration of the habitat, public access, and
9 air quality management objectives.

10 (2) Public access and recreational components.

11 (3) Opportunities for economic development.

12 (4) Habitat mosaics and location.

13 (5) Vector management and predator control.

14 (6) *Feasible financial resources to fund all recommended*
15 *restoration program components.*

16 2944. (a) The ~~Department of Fish and Game~~ *department* and
17 the Department of Water Resources shall provide the staff services,
18 *upon request of the Salton Sea Authority*, using staff currently
19 dedicated to Salton Sea activities or other staff provided by
20 legislative action, ~~that to assist the Salton Sea Authority requires~~
21 *authority* to carry out the assigned functions, including, but not
22 limited to, ~~all of the following~~:

23 (1) Administering grants and expenditures from the Salton Sea
24 Restoration Fund or other sources, including, but not limited to,
25 block grants from other state boards, commissions, or departments.

26 (2) Administering contracts.

27 (3) Arranging meetings, agendas, and other administrative
28 functions.

29 (4) Communication and public outreach, including all of the
30 following:

31 (A) Public meetings with interested parties, presentations, and
32 workshops.

33 (B) A regularly updated project-specific Internet Web site.

34 (C) E-mail and paper newsletters in English and Spanish.

35 (5) Evaluation and implementation of restoration alternatives
36 necessary for the ~~Salton Sea Authority~~ *authority and the agency*
37 *to fulfill its their* duties pursuant to Section 2942.

38 (b) The ~~Director of Fish and Game~~ *director* and the Director of
39 Water Resources shall enter into interagency agreements with
40 other state agencies *and the authority* to provide the staff services,

1 using staff dedicated to Salton Sea activities or other staff provided
2 by legislative action, to carry out the functions of the ~~Salton Sea~~
3 ~~Authority~~ *authority*.

4 (c) (1) Only funds deposited in the Salton Sea Restoration Fund
5 or nonstate funds may be expended to carry out this article.

6 (2) The status of the Salton Sea Restoration Fund shall be
7 included in the Governor's proposed annual budget document,
8 including an accounting of funds expended and committed and
9 the activities and staff associated with those expenditures.

10 2945. (a) Nothing in this article interferes with or prevents the
11 exercise of authority by a public agency to carry out its programs,
12 projects, or responsibilities.

13 (b) Nothing in this article affects requirements imposed under
14 any other provision of law.

15 SEC. 3. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.